

FILED

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

205 OCT -9 A 8:58

**LEGAL AID JUSTICE CENTER,**

*Plaintiff,*

**v.**

**U.S. IMMIGRATION AND  
CUSTOMS ENFORCEMENT,**

*Defendant.*

Civil Action No.: 1:15cv1316

## COMPLAINT

Plaintiff, Legal Aid Justice Center (“LAJC”), sues defendant U.S. Immigration and Customs Enforcement (“ICE”) for violation of the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* ICE failed to respond to Plaintiff’s FOIA request within the statutory timeframe, thus necessitating this action.

## Parties

1. Plaintiff Legal Aid Justice Center is a Virginia non-profit corporation with offices in Charlottesville, Falls Church and Richmond. LAJC provides free legal counsel and representation to low-income individuals in Virginia, including many members of Virginia's immigrant population. One of the key functions of LAJC's Immigrant Advocacy Program is detecting and preventing scams against immigrants. As a corporation, plaintiff LAJC is a person within the meaning of 5 U.S.C. § 551(2).

2. Defendant U.S. Immigration and Customs Enforcement is a federal agency responsible for the enforcement of federal immigration statutes, including but not

limited to detaining and/or setting bonds for immigrants pending their removal proceedings. ICE is an agency of the United States government within the meaning of 5 U.S.C. § 552(f).

### **Jurisdiction and Venue**

3. This court has jurisdiction pursuant to 28 U.S.C. § 1331 because the cause of action asserted in this Complaint arises under the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* Because LAJC maintains an office in Falls Church, VA and the Falls Church office made the FOIA request, and because upon information and belief, many, if not most, of the requested records can be found at ICE's field office in Fairfax County, VA, venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B).

### **Facts**

4. On June 3, 2015, LAJC's Falls Church, Virginia office sent ICE a request for records under the Freedom of Information Act ("FOIA"). A copy of that request is attached hereto as Exhibit A, and its contents are explicitly incorporated herein by reference.

5. LAJC's FOIA request was part of an investigation into an entity called "Libre by Nexus," among other names. Libre by Nexus, while not a registered bail bonding company, facilitates ICE bonds for immigrants while at the same time requiring those immigrants to wear a GPS ankle bracelet and charging those immigrants excessive amounts of money for GPS ankle bracelet rental fees. Libre by Nexus has in the past threatened to cancel bonds it has already posted on behalf of immigrants and remand

those immigrants back into ICE custody. In so threatening, Libre by Nexus implies that it has a special relationship with the government or somehow otherwise benefits from ICE's imprimatur.

6. The records requested by LAJC are necessary to determine whether Libre by Nexus does in fact have a special relationship with ICE or benefits from the imprimatur of ICE, or to the contrary whether that company's representations are fraudulent and constitute a scam on the immigrant community.

7. On June 3, 2015, ICE acknowledged receipt of LAJC's FOIA request via email. The FOIA request was assigned receipt number 2015-ICFO-83413. This email also notified LAJC that, "due to the increasing number of FOIA requests received by this office," ICE would invoke a 10-day extension for the request.

8. This email did not disclose which documents (if any) would be produced, which (if any) would be withheld, or whether ICE intended to comply with any portion of the FOIA request.

9. This was the last communication from ICE to LAJC. To date, ICE has not provided the requested records, notwithstanding the FOIA's requirement of an agency response within 20 working days. As of the date of filing this complaint, ICE's online FOIA tool estimates that the records will not be available for another month and a half.

10. For each week LAJC's investigation is delayed, many immigrants continue to contract with Libre by Nexus. Without the requested records, LAJC is unable to continue its investigation and provide accurate counsel to its clients and to the community members LAJC serves based on the results of that investigation.

11. LAJC has exhausted the applicable administrative remedies with respect to its FOIA request to ICE.

12. ICE has wrongfully withheld the requested records from LAJC.

**Cause of Action:**

**Violation of 5 U.S.C. § 552(a)(6)(A)**

13. In not processing LAJC's FOIA request within the required statutory timeframe, ICE failed to make a timely determination with respect to the request, in violation of 5 U.S.C. § 552(a)(6)(A).

**Relief Requested**

WHEREFORE, plaintiff prays for the following relief:

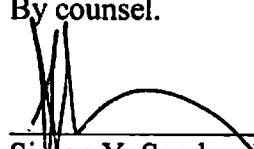
1. Under Count I, an injunction ordering the production of any records responsive to LAJC's FOIA request;
2. Attorney's fees and costs of suit; and
3. Any further relief the court may deem appropriate.

Respectfully submitted,

LEGAL AID JUSTICE CENTER,

By counsel.

Date: 10/8/15

  
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